

Exhibit 5

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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 INTERNATIONAL CHURCH OF THE
13 FOURSQUARE GOSPEL,

14 Plaintiff,

15 v.
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17 CITY OF SAN LEANDRO, a municipal
18 corporation,

19 Defendant.

20 FAITH FELLOWSHIP FOURSQUARE
21 CHURCH,

22 Real Party in Interest.
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Case No. C 07-03605 PJH

**DEFENDANT CITY OF SAN
LEANDRO'S RESPONSE TO
PLAINTIFF'S REQUEST FOR
ADMISSIONS (SET ONE)**

Honorable Phyllis J. Hamilton
Complaint Filed: 7/12/07

1 **PROPOUNDING PARTY:** Plaintiff, INTERNATIONAL CHURCH OF THE
2 FOURSQUARE GOSPEL

3 **RESPONDING PARTY:** Defendant, CITY OF SAN LEANDRO

4 **SET NUMBER:** One

5 Defendant CITY OF SAN LEANDRO ("the City") responds to the first set of request
6 for admissions propounded by plaintiff pursuant to Federal Rules of Civil Procedure, Rule 36.

7 **REQUEST FOR ADMISSION NO. 1:**

8 The Religious Land Use and Institutionalized Persons Act of 2000 (42 U.S.C. §
9 2000cc) is constitutional.

10 **RESPONSE TO REQUEST FOR ADMISSION NO. 1:**

11 Deny.

12 **REQUEST FOR ADMISSION NO. 2:**

13 The document attached hereto identified as EXHIBIT 1 is a true and correct copy.

14 **RESPONSE TO REQUEST FOR ADMISSION NO. 2:**

15 Admit.

16 **REQUEST FOR ADMISSION NO. 3:**

17 The documents attached hereto identified as EXHIBIT 2 are true and correct copies.

18 **RESPONSE TO REQUEST FOR ADMISSION NO. 3:**

19 Admit.

20 **REQUEST FOR ADMISSION NO. 4:**

21 The City of San Leandro allows assembly uses within a distance equal to or less than a
22 quarter (0.25) of a mile of properties which have filed hazardous materials business plans.

23 **RESPONSE TO REQUEST FOR ADMISSION NO. 4:**

24 Admit. The eight prong criteria for including sites within the Assembly Use Overlay
25 Zone does not include a specific distance limitation as to adjacent properties which have a
26 hazardous materials business plan on file.

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